

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC 2017 LLC, Plaintiff, v. SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG ELECTRONICS CO. LTD., Defendants.	CIVIL ACTION NO.: PATENT CASE JURY TRIAL DEMANDED
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Uniloc 2017 LLC (“Uniloc”), for its complaint against defendants, Samsung Electronics America, Inc. (“SEA”) and Samsung Electronics Co. Ltd. (“SEC”) (together, “Samsung”), alleges:

THE PARTIES

1. Uniloc 2017 LLC is a Delaware limited liability company, having addresses at 1209 Orange Street, Wilmington, Delaware 19801; 620 Newport Center Drive, Newport Beach, California 92660; and 102 N. College Avenue, Suite 303, Tyler, Texas 75702.

2. Samsung Electronics America, Inc. is a New York corporation, having a principal place of business in Ridgefield Park, New Jersey, and may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

3. Samsung Electronics Co. Ltd. is a South Korean corporation, having a principal place of business in Seoul, Republic of Korea.

4. Samsung offers its products and services, including those accused of infringement, to customers and potential customers located in the Eastern District of Texas.

JURISDICTION

5. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271, *et seq.* This Court has jurisdiction under 28 U.S.C. §§ 1331, 1332(a), and 1338(a).

CLAIM FOR PATENT INFRINGEMENT

6. Uniloc is the owner, by assignment, of U.S. Patent No. 7,190,408 (“the ’408 Patent”), which is entitled TV-RECEIVER, IMAGE DISPLAY APPARATUS, TV-SYSTEM AND METHOD FOR DISPLAYING AN IMAGE, which issued on March 13, 2007. A copy of the ’408 Patent is attached as Exhibit A.

7. The ’408 Patent describes in detail, and claims in various ways, inventions in systems and devices developed by Koninklijke Philips Electronics N.V. for improved receipt and decoding of broadcast TV signals to adapt certain portions of the decoded images.

8. The ’408 Patent describes problems and shortcomings in the then-existing field of resolving image sizes to be displayed on a video screen, such as a TV.

9. The written description of the ’408 Patent describes in technical detail each of the limitations of the claims, allowing a person of ordinary skill in the art to understand what the limitations cover and how the non-conventional and non-generic combination of claim elements differ markedly from and improved upon what may have been considered conventional or generic.

10. Samsung imports, uses, offers for sale and sells in the United States digital televisions that implement the Advanced Television Systems Committee (“ATSC”) and Active

Format Description (“AFD”) standards, including those designated: The Frame, M4500B Series, NU8000, NU8500, Q65FN Series, Q6FN Series, Q7CN Series, NU7100, NU7300, N5300, NU6900, MU9000, Q7FN Series, Q8FN Series, Q9FN Series, Q7F Series, J5000 Series, MU6070, M530x Series, MU6290, MU6500, MU6490, MU6300, MU7500, MU8 Series, Q6F Series, Q8C Series, Q9F Series, MU8500, MU8000, Frame TV, Q Series, MU7600, MU6100, M5300, 4 Series, KS8000, KS9 Series, KU6300, KU6500, UNKU7000, UNKU7500, UNKU6290F, SERIF, KS9800, KU6270, KU6250, J525D Series, J5003 Series, J5202, J5500, J6201 Series, J620D Series, J6300, JU6700, JU6500, JS7000, UNJS8500, UN65JS9000, J520x Series, J400x Series, JU7100 Series, UN65H7150, UN85HU8550F, UNHU9000, JS9500, JU7500, JU6400, J6200, J4300, H4000 Series, J4000, J5000, H52xx - H62xx Series, H4500, H4005 Series, F4500B, F5300B, H5000A Series, 9000 Series, F4000 - F50xx Series, F6300 Series, F5500 Series, UNF7100, EH60xx Series, EH40xx - EH50xx Series, EH4003 - EH5003 Series, ES6100 Series, EH6000 Series, ES6500 Series, ES61x0, ES6500, ES7100, ES7150 Series, UNEH5300, UNES8000 and HU8500 (collectively “Accused Infringing Devices”).

11. The Accused Infringing Devices incorporate video screens for displaying images derived from decoded TV signals received, for example, from a television station broadcasting in digital format (“DTV”), whereby the size of the image may be changed by the viewer. For example, the viewer may choose to view a 16:9 aspect image as center cut in a 4:3 aspect frame to emphasize a portion of the image.

12. Samsung has infringed, and continues to infringe, claims of the ’408 Patent in the United States, including claims 1-2 and 7-11, by making, using, offering for sale, selling, and importing the Accused Infringing Devices.

13. Samsung knowingly and intentionally incorporates into the Accused Infringing Devices components and software that enable the devices to operate as described above to infringe the '408 Patent.

14. In its marketing, promotional, and instructional materials, including those identified below, Samsung intentionally instructs its customers to use the Accused Infringing Devices in a manner that causes the devices to infringe the asserted claims of the '408 Patent.

15. Samsung has also infringed, and continues to infringe, claims 1-2 and 7-11 of the '408 Patent by actively inducing others to use, offer for sale, and sell the Accused Infringing Devices. Samsung's customers who use those devices in accordance with Samsung's instructions infringe claims 1-2 and 7-11 of the '408 Patent. Samsung intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and user guides and instructional and marketing materials, such as those located at:

- www.samsung.com/us/
- www.samsung.com/us/support/
- www.samsung.com/us/support/answer/ANS00049927/
- www.samsung.com/au/support/tv-audio-video/samsung-tv-picture-size-settings/
- http://support-us.samsung.com/nas/storage/201209171706029%5Estorage_attachment%5EHow_To_Adjust_The_Aspect_Ratio_Of_Your_TV__2011.pdf
- https://www.samsung.com/hk_en/support/tv-audio-video/how-can-i-change-the-picture-size-of-my-samsung-tv/
- http://downloadcenter.samsung.com/content/UM/201801/20180123102314699/ENG_US_KTMATSCCL-3.0.8.pdf
- http://downloadcenter.samsung.com/content/UM/201805/20180530102420977/ENG_US_KM2ATSCN-2.0.0.pdf
- <http://downloadcenter.samsung.com/content/UM/201308/>

20130813133020082/[ENG_US]X12ATSCF-1.119.pdf

- http://downloadcenter.samsung.com/content/UM/201612/20161209095658187/ENG_US-JZATSCF-1.2.2.pdf
- <https://www.samsung.com/us/support/owners/product/2017-qled-tv-q7f-series>
- www.youtube.com/user/samsung

16. Samsung has also infringed, and continues to infringe, claims 1-2 and 7-11 of the '408 patent by offering to sell, selling, and importing the Accused Infringing Devices, knowing that the devices are used in practicing the methods, or using the apparatuses or systems that constitute a material part of the invention of the '408 patent. Samsung knows components of the Accused Devices to be especially made or especially adapted for use in infringement of the '408 patent, and not a staple article or a commodity of commerce suitable for substantial non-infringing use.

17. Samsung will have been on notice of the '408 Patent since, at the latest, the service of the complaint upon it in 2:18-cv-00355. Samsung has also been on notice of Uniloc's infringement allegations and theory of infringement since that date, and thus has known that its continued actions would induce and contribute to the infringement of claims of the '408 Patent. Despite that knowledge, and as further evidence of its intent, Samsung has refused to discontinue its infringing acts. Samsung has also induced infringement by failing to remove the infringing functionality from the Accused Infringing Devices or otherwise place a non-infringing limit on its use.

18. By the time of trial, Samsung will have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to the infringement of claims 1-2 and 7-11 of the '408 Patent.

19. Samsung may have infringed the '408 Patent through other software and devices utilizing the same or reasonably similar functionality, including other versions of the Accused Infringing Devices.

20. Uniloc has been damaged by Samsung's infringement of the '408 Patent.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Samsung:

- (A) declaring that Samsung has infringed the '408 Patent;
- (B) awarding Uniloc its damages suffered as a result of Samsung's infringement of the '408 Patent;
- (C) awarding Uniloc its costs, attorneys' fees, expenses, and interest, and
- (D) granting Uniloc such further relief as the Court finds appropriate.

DEMAND FOR JURY TRIAL

Uniloc demands trial by jury, under Fed. R. Civ. P. 38.

Date: November 17, 2018

Respectfully submitted,

/s/ Paul J. Hayes

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